

ENROLLED ORDINANCE 161-24

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF MUKWONAGO BY
CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE
SW ¼ OF SECTION 35, T5N, R19E, AND ANNEXED BY THE VILLAGE OF
MUKWONAGO, WAUKESHA COUNTY, WISCONSIN, FROM THE C-1
CONSERVANCY DISTRICT AND UNZONED LANDS TO THE R-3
RESIDENTIAL AND C-1 CONSERVANCY DISTRICTS (SVZ-1595)

WHEREAS the subject matter of this Ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission after Public Hearing and the giving of requisite notice of said hearing and a recommendation thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Section 59.692 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on June 23, 1970, for the Town of Mukwonago, Waukesha County, is hereby amended to conditionally rezone certain lands located in part of the SW ¼ of Section 35, T5N, R19E, and annexed by the Village of Mukwonago, Waukesha County Wisconsin, from the C-1 Conservancy District and unzoned lands to the R-3 Residential and C-1 Conservancy Districts, and more specifically described in the "Staff Report and Recommendation", and made a part of this Ordinance by reference (SVZ-1595), subject to the following conditions:

1. All lots within Waukesha County's Shoreland/Floodland Jurisdictional limits must comply with the dimensional requirements of the R-3 Residential District.
2. Lots partially within or adjacent to the 100-year floodplain and located within the 300' Waukesha County Shoreland Jurisdictional area, including but not limited to proposed Lots 26 and 27 may require variances from the Village of Mukwonago Board of Adjustment in order for all lots to accommodate reasonable building envelopes and for all lots to comply with the minimum 75' setback from a building or structure to the 100-year floodplain as required by the Waukesha County Shoreland and Floodland Protection Ordinance. This condition must also be added to the face of the Final Plat for Phase 1.
3. Lots partially within or adjacent to the 100-year floodplain and located within the 300' Waukesha County Shoreland Jurisdictional area, including but not limited to proposed Lot 90 may require variances from the Village of Mukwonago Board of Adjustment in order for all lots to accommodate reasonable building envelopes and for all lots to comply with the minimum 75' setback from a building or structure to the 100-year floodplain as required by the Waukesha County Shoreland and Floodland Protection Ordinance. This condition must also be added to the face of the Final Plat for Phase 3.

4. The lowest yard grade elevation adjacent to any principal structure wall, for structures located on lots partially within or adjacent to the 100-year floodplain, must be a minimum of two feet above the 100-year floodplain elevation. Exposed basements, exposed meaning that more than two feet of any basement wall is not backfilled, are not permissible for lots partially within or adjacent to the 100-year floodplain unless the lowest yard grade elevation adjacent to any principal structure wall is set a minimum of two feet above the 100-year floodplain elevation. This condition must also be added to the face of the Final Plat for Phases 1 and 3.
5. The 100-year floodplain must not encroach upon the C.T.H. "ES" right-of-way. All conditions of the Department of Public Works correspondence dated May 31, 2006 must be complied with (See Exhibit "A").
6. A copy of the recorded Stormwater Drainage Easement negotiated between MLG Real Estate 2002 LLC and Mr. Daniel Scheel must be presented to the Waukesha County Planning and Zoning Division.

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Village of Mukwonago and Town of Mukwonago Clerks.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of provisions of this Ordinance are hereby repealed.

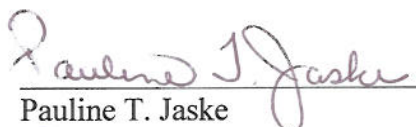
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Presented by:
Land Use, Parks, and Environment Committee

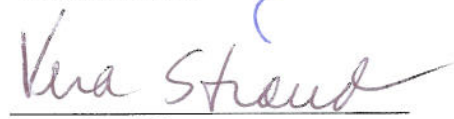

William A. Mitchell, Chair

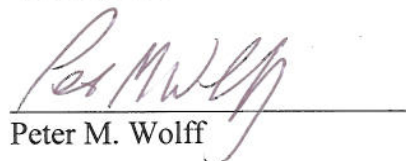
Absent
Keith Hammitt

Absent
Keith Harenda



Pauline T. Jaske


Walter L. Kolb


Vera Stroud


Peter M. Wolff

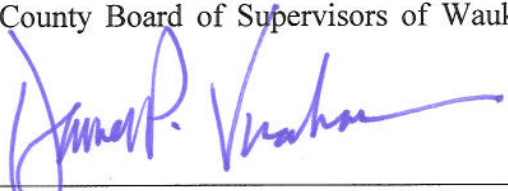
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 7/28/06 
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

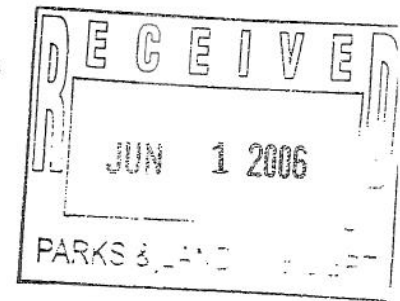
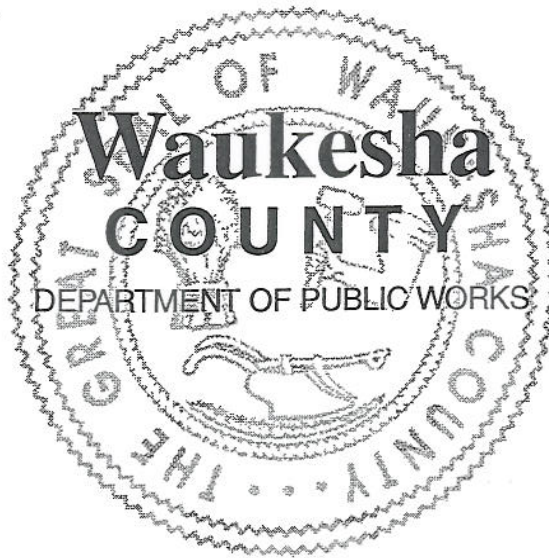
Approved: X

Vetoed: _____

Date: 8/1/06 
Daniel P. Vrakas, County Executive

Daniel P. Vrakas
County Executive

Richard A. Bolte, P.E.
Director of Public Works



May 31, 2006

Mr. Joseph Bukovich
NAI MLG Development
13400 Bishops Lane
Brookfield, WI 53005

RE: CTH ES
The Orchards of Mukwonago
Village of Mukwonago

Dear Mr. Bukovich:

We have reviewed the documents you submitted regarding the floodplain on CTH ES right of way. We have the following comments.

1. We agree with your calculations of the floodplain elevation and that the depth of water at the Right of Way line will be 6 inches or less.
2. We agree with the construction of the curb along the edge of the Bike Path to keep the water off the right of way. We ask however, that the Right of way be filled to the top of curb elevation to perpetuate the highway drainage condition as it currently exists. We suggest a 4% slope up from the back of the curb until it meets existing grade.
3. We will require a Miscellaneous Work in the County Highway Right of Way permit for this work. A copy of the application is enclosed for your use.

We hope this answers your request sufficiently. If you have any questions, or we can be of further assistance, please call Kevin Yanny or Peter Chladil of our office at 548-7740.

Sincerely,

Richard A. Bolte

Richard A. Bolte, Director
Department of Public Works

Enclosure

RAB/PEC/dv

CC: Village of Mukwonago Planning Commission
Dick Mace, Waukesha County Department of Parks and Land Use
Jason Fruth, Waukesha County Department of Parks and Land Use

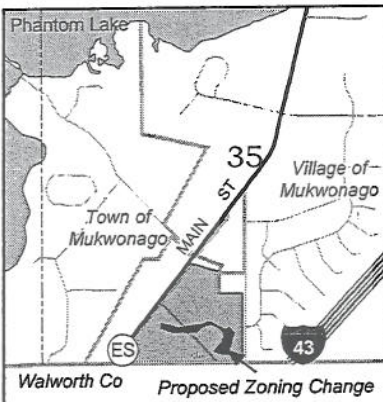
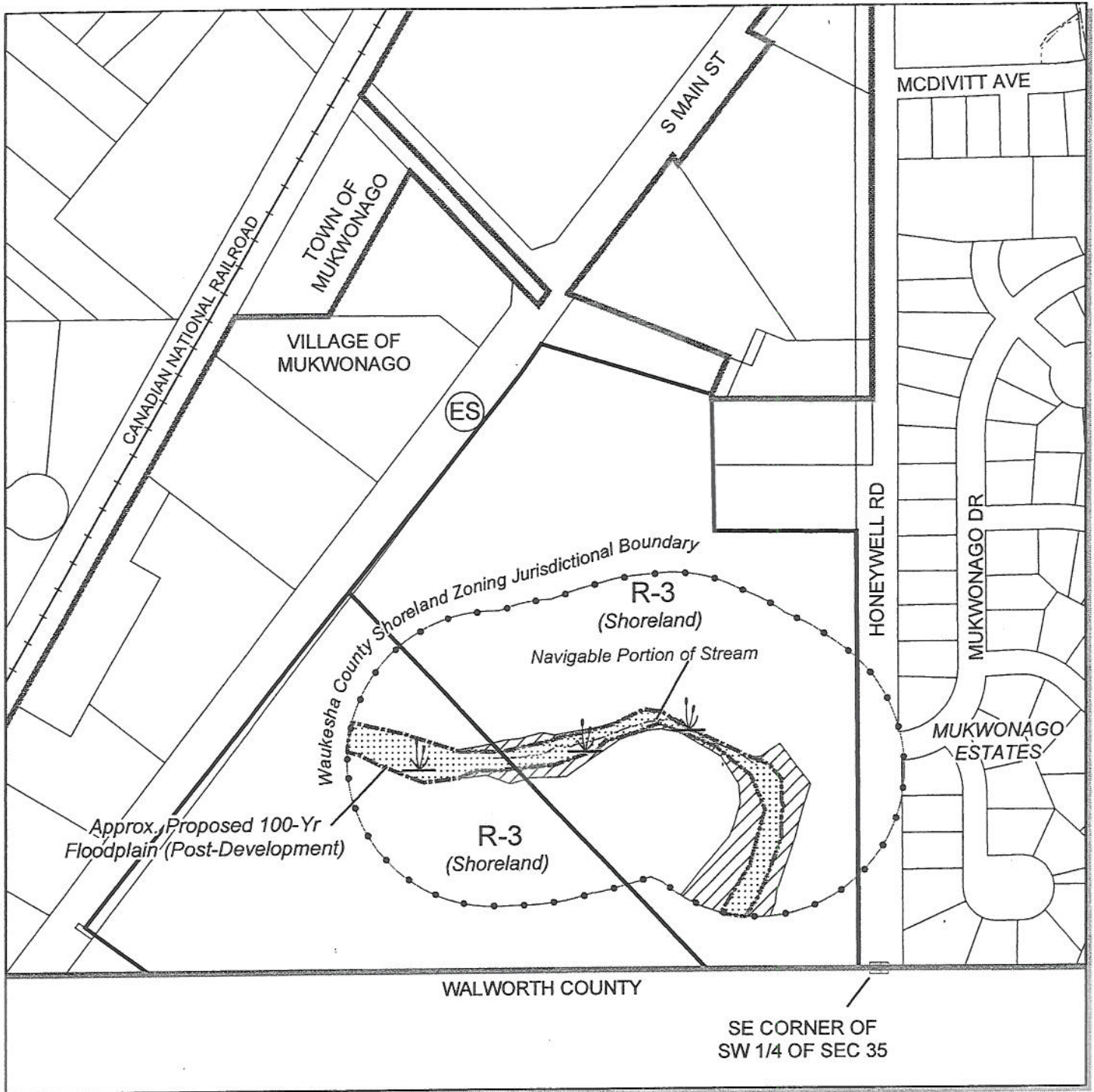
EXHIBIT "A"



1320 Pewaukee Road
Waukesha, Wisconsin 53188
Phone: (262) 548-7740
Fax: (262) 896-8097
www.waukeshacounty.gov

161-0-028

ZONING MAP AMENDMENT

PART OF THE SW 1/4 OF SECTION 35
VILLAGE OF MUKWONAGO



-  NEWLY ESTABLISHED C-1 CONSERVANCY ZONING (1.19 AC)
-  CONDITIONAL SHORELAND ZONING CHANGE FROM NEWLY ESTABLISHED C-1 CONSERVANCY TO R-3 RESIDENTIAL (0.93 AC)

FILE.....SVZ-1595

DATE.....06-15-06

AREA OF CHANGE.....2.12 ACRES

TAX KEY NUMBER.....MUKV 2011.992.014
& MUKV 2011.992.015



1 inch equals 300 feet



Prepared by the Waukesha County Department of Parks and Land Use

161-0-028

8.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-07/25/06

(ORD) NUMBER-1610028

1 K. HERRO.....AYE
3 T. ROLFS.....AYE
5 J. MARCHESE.....AYE
7 J. JESKEWITZ.....AYE
9 P. HAUKOHL.....AYE
11 K. HARENDA.....AYE
13 J. MORRIS.....
15 D. SWAN.....AYE
17 J. BEHREND.....AYE
19 W. MITCHELL.....AYE
21 W. KOLB.....AYE
23 J. TORTOMASI.....AYE
25 K. CUMMINGS.....AYE
27 D. PAULSON.....AYE
29 T. BULLERMANN.....
31 V. STROUD.....AYE
33 K. HAMMIT.....
35 P. MEYER.....AYE

TOTAL AYES-30

CARRIED X

UNANIMOUS

2 R. THELEN.....AYE
4 R. HUTTON.....AYE
6 D. BROESCH.....AYE
8 J. DWYER.....AYE
10 S. WOLFF.....AYE
12 T. SCHELLINGER....AYE
14 A. KALLIN.....
16 R. STEVENS.....AYE
18 B. MORRIS.....AYE
20 P. WOLFF.....AYE
22 G. BRUCE.....
24 B. KRAMER.....AYE
26 F. RUF.....AYE
28 P. JASKE.....AYE
30 K. NILSON.....AYE
32 P. GUNDRUM.....AYE
34 R. SINGERT.....AYE

TOTAL NAYS-00

DEFEATED

TOTAL VOTES-30